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7 USA,  
8 Plaintiff,  
9 v.  
10 YVONNE LATTIMORE,  
11 Defendant.

Case No. [19-cr-00046-BLF-1](#) (SVK)

**ORDER RE PRODUCTION OF  
DOCUMENTS BY THIRD PARTY  
COUNTY OF MONTEREY**

Re: Dkt. No. 227

12 Before the Court is third party County of Monterey's Administrative Motion re the  
13 production of documents in response to a subpoena issued by the Court pursuant to an *ex parte*  
14 application by Defendant. Dkt. 227.<sup>1</sup> Upon filing, the Administrative Motion was set for hearing  
15 on May 9, 2023 at 9 a.m. Because trial was already underway, the Court continued the hearing to  
16 May 9 at 12 p.m. Counsel for the Government and for Defendant Lattimore appeared; counsel for  
17 County of Monterey did not appear.

18 The Court set the hearing because the County's objective in filing the Administrative  
19 Motion was not clear. The points of confusion are evident throughout the motion and, in the  
20 interest of time, will not be repeated here. Only somewhat helpfully, the Proposed Order  
21 (Dkt. 227 at 3) states: "Documents submitted by the County of Monterey in response to the  
22 Subpoena issued in this matter shall be filed with the court under seal." As there is no practice of  
23 filing documents produced pursuant by subpoena with the Court, the Court reads this language as  
24 a request for a protective order. This conclusion is further supported by the reference in the brief  
25 declaration of counsel (Dkt. 227 at 2) to the documents containing "personal and medical

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28 <sup>1</sup> The request of the County of Monterey that the Administrative Motion be filed under seal (*see*  
Dkt. 227 at 1:23-25) is **GRANTED**.

1 information.”<sup>2</sup> There is a stipulated Protective Order in place in this action (Dkt. 124), and in  
2 Court counsel for Defendant, the requesting party, agreed to be bound by the terms of the  
3 Protective Order as to the third party production by the County of Monterey. A copy of the  
4 Protective Order is attached hereto as Exhibit A.

5 Accordingly, the Court **ORDERS** as follows:

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- 7 • The Protective Order is hereby adopted for the third party production by the County  
of Monterey;
- 8 • The County of Monterey will produce responsive documents **IMMEDIATELY**  
9 upon receipt of this Order;
- 10 • The County may, but is not required, to stamp the documents as  
11 “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER”;
- 12 • Whether or not the responsive documents are so stamped, they are produced and  
13 are to be treated by all parties under the auspices of the Protective Order.

14 To the extent the County was seeking broader relief, the County forwent the opportunity to  
15 make its request clear when it failed to appear and any such request is **DENIED**. This Order will  
16 appear on the public docket and the Court will email a copy to counsel for the County of  
17 Monterey.

18 **SO ORDERED.**

19 Dated: May 9, 2023

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22 SUSAN VAN KEULEN  
23 United States Magistrate Judge  
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2 This Court previously found that plaintiff made the requisite showing of relevance and need for  
2 production under the *Nixon* factors in its ex parte application for the subpoena. Dkt. 204.